

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
) No. 3-09-00294
v.)
)
MARQUICE LINDSLEY)

ORDER

The defendant's motion for leave to file under seal (Docket Entry No. 31) is GRANTED.

The Clerk shall maintain copies of the defendant's medical records (Docket Entry No. 32)

UNDER SEAL.

If the defendant has not provided copies of those records to the government, defendant's counsel shall serve the government with such copies.

In accord with the order entered August 11, 2010 (Docket Entry No. 27), the government filed a response (Docket Entry No. 36), representing that the defendant has been moved from the Robertson County Jail to another facility, rendering the matter and the defendant's motion for relief (Docket Entry No. 34) moot, and maintaining that "this criminal case is not the appropriate forum to address the defendant's claims regarding Robertson County jail."

By order entered August 10, 2010 (Docket Entry No. 26), referring this case to the Magistrate Judge, Chief Judge Campbell has already determined that "this criminal case" is the appropriate forum in which to address the defendant's claims. See also United States v. Williams, 2009 WL 4824940 (M.D. Tenn. Oct. 26, 2009).

In reply to the defendant's response, the defendant argues that the matter is not moot, because the defendant could be returned to the Robertson County Jail absent a Court order.

Defendant's counsel shall confer with the U.S. Marshal, who has moved the defendant to another facility, to determine if there is any possibility that the defendant could be returned to the

Robertson County Jail,¹ and shall, by September 3, 2010, so notify the Court. If the Marshal represents that there is no possibility that the defendant will not be returned to the Robertson County Jail, there is no reason to schedule a hearing relating to the defendant, and an order will be entered to that effect.

The Clerk is directed to send a copy of this order to Jeff Dill, Deputy United States Marshal.
It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge

¹ The Court notes that the trial in this case is currently scheduled on October 12, 2010.